

REMARKS

A summary of the status of the claims in the present response is presented below.

Claims 1-3 and 14 and 15 have been previously presented (amended).

Claims 4-13 and 16-20 are originally presented claims.

Claims 1-20 are thus currently pending in this Application.

In the Official Action dated February 14, 2006, the Examiner was of the opinion that the evidence submitted with the Declaration and the Supporting Statement of Witness filed on December 30, 2005 was not satisfactory because the drawings of January 11, 2003 referred to were not part of the submitted exhibits but stated as "generally shown in Figures 1 and 2 of the above-mentioned Patent Application Nos. '859 and '555." . Applicants enclose a Supporting Statement Of Witness To Factual Evidence that includes a true and correct copy of the drawings requested by the Examiner. Applicants enclose a revised Declaration of Craig G. Cochenour Under 37 C.F.R. § 1.131 that includes a true and correct copy of the drawings requested by the Examiner. Applicants' respectfully submit that the Declaration and Supporting Statement Of Witness To Factual Evidence are now supported by evidence in compliance with MPEP 715.07 and 37 CFR §1.131. The Applicants' Declaration and Supporting Statement of Witness To Factual Evidence establishes the conception of the invention claimed in the above-captioned Application is prior to the effective date of U.S. Patent Application Publication No. US 2004/0195227 (Park) coupled with due diligence from prior to the reference date to a subsequent actual reduction to practice of a working full size physical invention successfully used by a geriatric dog on February 15, 2003, and the filing of Applicants' patent application on February 28, 2003. The Park reference is not relevant and is rendered moot. Applicants respectfully submit that for the above reasons that pending Claims 1-20 are in condition for allowance and such action is courteously requested at an early date.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1-5 and 7-20 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over U.S. Patent Application Publication No. US 2004/0195227 (Park) in

view of US Patent No. 5516189 (Ligeras). Applicants' above remarks are equally applicable at the present juncture. Applicants previously supplied Declaration and the revised attached Declaration of Applicant and Supporting Statement of Witness To Factual Evidence establishes the date of conception of the invention claimed in this Application on or before January 11, 2003 coupled with a diligent reduction to practice of a full size working invention on February 15, 2003. January 11, 2003 is a date that is prior to the effective date of the Park reference. The rejection based upon Park is moot. Applicants submit that Applicants' Claims are not taught or suggested by Park in view of Ligeras.

Claim 6 was rejected under 35 U.S.C.103 (a) as allegedly being unpatentable over Park (U.S. Patent Application Publication No. US 2004/0195227) in view of Ligeras as applied to Claims 1-5 and 7-20 and further in view of Goldston et al. (US Patent No. 5303485). The previously supplied Declaration of Applicant, and the revised Declaration of Applicant and Supporting Statement of Witness To Factual Evidence attached hereto, and the remarks with regard to Park set forth hereinabove are equally applicable at this juncture. The rejection based upon Park is moot. Applicants submit that Applicants' Claims are not taught or suggested by Park in view of Ligeras and further in view of Goldston et al.

Applicants respectfully submit that the cited references do not teach or suggest the present invention, and that the subject matter of the claimed invention would not have been obvious to one having ordinary skill in the art.

For the above reasons, Applicants courteously request that the rejections under 35 U.S.C. § 103(a) be withdrawn and that all pending claims be allowed at an early date.

CONCLUSION

It is respectfully submitted that Applicants' pending Claims 1-20 illustrate a patentable patient activated temperature-controlled surface, animal bed, and method of providing comfort to a patient employing the patient activated temperature-controlled surface that are not taught or suggested by any of the art of record. Applicants respectfully submit that the revised Declaration of Applicant (including the Exhibits G and H) and Supporting Statement of Witness To Factual Evidence (including Exhibits A and B) attached hereto, and remarks set forth in this paper place this Application in a condition for allowance and such action is respectfully requested at an early date.

AUTHORIZATION

Applicants believe that no further government fees are due for this Response and Amendment.

The Commissioner is hereby authorized to charge any necessary additional fees associated with this paper to Deposit Account No. 02-4800. A duplicate copy of this Response and Amendment is enclosed for deposit account purposes.

Respectfully submitted,
Buchanan Ingersoll PC

A handwritten signature in black ink, appearing to read "Craig G. Cochenour". The signature is fluid and cursive, with the first name "Craig" being more prominent.

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